# Calendar No. 83

99TH CONGRESS, 1st Session } SENATE { REPORT 99-33

## A RESOLUTION TO APPROVE THE OBLIGATION AND EXPENDITURE OF FUNDS FOR SUPPORTING MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

APRIL 18 (legislative day, APRIL 15), 1985.--Ordered to be printed

Mr. HATFIELD, from the Committee on Appropriations, submitted the following

## REPORT

[To accompany S.J. Res. 106]

The Committee on Appropriations, to which was referred the joint resolution (S.J. Res. 106) to approve the obligation and expenditure of up to $14 million made available by Public Law 98-473 for supporting military or paramilitary operations in Nicaragua, reports favorably thereon without amendment and recommends that the joint resolution be agreed to.

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## BACKGROUND

Pursuant to provisions of the Department of Defense Appropriations Act, 1985, contained in Public Law 98–473, the continuing resolution for fiscal year 1985, S.J. Res. 106 is the Senate vehicle by which Congress may approve the obligation and expenditure of up to $14 million of fiscal year 1985 appropriations for supporting the resistance movement in Nicaragua. By law, in order for such funds to be made available, Congress must adopt a resolution approving the obligation and expenditure of these funds. The spending limitation imposed by Public Law 98–473 on any covert aid to Nicaragua has been set at $14 million.

On April 3, 1985, President Reagan transmitted to the Congress his formal report on U.S. support for the democratic resistance movement in Nicaragua. His request for this support is based on four fundamental U.S. policy objectives in Central America: support for democracy; renewal of economic development; security for democratic governments in Central America; and support for political solutions to conflicts in Central America. Additionally, the President outlined a comprehensive peace proposal on April 4, 1985. Specifically, he stated that:

> ". . . after months of consulting with congressional leaders and listening carefully to their concerns, I am making the following proposal: I'm calling upon both sides to lay down their arms and accept the offer of church-mediated talks on internationally supervised elections and an end to the repression now in place against the church, the press, and individual rights.
>
> "To the members of the democratic resistance, I ask them to extend their offer of a cease-fire until June 1.
>
> "To the Congress, I ask for immediate release of the $14 million already appropriated. While the cease-fire offer is on the table, I pledge these funds will not be used for arms or munitions. These funds will be used for food, clothing, and medicine and other support for survival. The democratic opposition cannot be a partner in negotiations without these basic necessities.
>
> "If the Sandinistas accept this peace offer, I will keep my funding restrictions in effect. But peace negotiations must not become a cover for deception and delay. If there is no agreement after 60 days of negotiations, I will lift these restrictions, unless both sides ask me not to."

On April 4, 1985, Senator Simpson, for Senators Dole and Stevens, introduced S.J. Res. 106, which was referred to the Committee on Appropriations. The provisions of S.J. Res. 106 were established by law, as were procedures for debate on the Senate floor. The resolution is not subject to amendment under these same provisions. The scope of formal consideration is limited to that of continued U.S. support for the resistance movement in Nicaragua for fiscal year 1985. The Committee's action on S.J. Res. 106 should not, therefore, be construed to go beyond that.

HEARINGS

The Committee held hearings to consider S.J. Res. 196 on Thursday, April 18, 1985, taking testimony from the Honorable Langhorne A. Motley, Assistant Secretary of State for Inter-American Affairs.

*I. Program history*

Specific funding and operational details of the CIA covert assistance program to anti-Sandinista forces in Nicaragua are classified. Funding levels prior to the amount appropriated for fiscal year 1984 have not been made public. As with all covert aid, however, the Nicaragua program was initiated via a Presidential finding and reviewed during the annual budgetary cycle by the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, the House Appropriations Committee, and the Senate Appropriations Committee.

On November 3, 1983, the Senate began consideration of H.R. 4185, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1984. This bill contained a House provision (section 775) which specifically prohibited the use of funds for supporting directly or indirectly military or paramilitary operations in Nicaragua. The Senate-reported bill, S. 2039, dated November 1, 1983, contained no such provision. On November 8, 1983, the Senate passed H.R. 4185 without the prohibition against the use of funds for covert assistance to opposition forces in Nicaragua.

House and Senate conferees agreed on November 18, 1983, that $24 million would be appropriated for covert assistance to Nicaragua. This agreement was signed into law (Public Law 98–212) on December 8, 1983. The amount, however, was also a limitation requiring specific congressional approval for any additional funding in fiscal year 1984. On March 8, 1984, the President submitted to the Congress such a request for $21 million. On March 14, 1984, the Senate Appropriations Committee voted to amend H.J. Res. 492, an urgent supplemental appropriations measure for fiscal year 1984 for the Department of Agriculture, with language recommending an appropriation for the Central Intelligence Agency for $21 million. The amendment provided that notwithstanding any other provisions of law, not to exceed $21 million would remain available to the CIA until September 30, 1984. Of this amount, $14 million would be allocated to the reserve for contingencies, administered by the Director of Central Intelligence, and would be subject to appropriate statutory procedures prior to obligation. This appropriation would be available in addition to funds previously appropriated for the Nicaragua program, and it would have eliminated the ceiling established by Public Law 98–212.

The Senate voted on April 5, 1984, to approve the urgent supplemental request which contained these funds for covert assistance to the Nicaraguan contras. The House, however, denied any additional funding. On May 17, 1984, the committee of conference on the supplemental request reported the amendment on covert aid in true disagreement, and on June 25, 1984, the Senate voted to table the covert aid amendment. As a result, no fiscal year 1984 supplemental funding was

appropriated for the Nicaraguan program and the $24 million limitation remained in force.

On September 26, 1984, the Senate Appropriations Committee reported a bill (S. 3026) to appropriate funds for the Department of Defense for fiscal year 1985. This bill contained full funding of covert assistance to Nicaragua. On the same day, however, the House Appropriations Committee reported to the House its bill (H.R. 6329) which contained a prohibition against the use of any intelligence funds for support of military or paramilitary operations in Nicaragua. The entire defense appropriations bill for fiscal year 1985 was later included in H.J. Res. 648, making continuing appropriations for fiscal year 1985.

The conference agreement on the issue of covert aid to anti-Sandinista forces in Nicaragua was contained in section 8066 of the continuing resolution (Public Law 98–473, dated October 12, 1984). The section limited the amount of fiscal year 1985 funds for covert aid in Nicaragua to $14 million and provided that the release of these funds was contingent upon a vote of approval in both the House of Representatives and the Senate after February 28, 1985.

*II. Program and budget implications of S.J. Res. 106*

The $14 million requested to support military or paramilitary operations in Nicaragua would be made available from within existing funds of the Central Intelligence Agency.

*III. Statutory requirements*

Pursuant to Public Law 98–473, the President of the United States was required to submit to the Congress a report assessing the requirement for continued aid to the armed resistance movement in Nicaragua. This report and its accompanying papers were submitted to the Committees on Appropriations of the House and Senate on April 3, 1985. Both classified and unclassified versions of the report were made available.

*IV. Compliance with paragraph 7(c) of Rule XXVI of the Standing Rules of the Senate*

Paragraph 7(c) of Rule XXVI of the Standing Rules of the Senate provides that:

> Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter.

The votes cast on the motion to favorably report S.J. Res. 106 were as follows:

Voting for (15):
- Stevens (by proxy)
- McClure
- Laxalt (by proxy)
- Garn (by proxy)
- Cochran
- Abdnor
- Kasten
- D'Amato
- Mattingly
- Rudman
- Domenici (by proxy)
- Stennis
- Hollings
- Chiles
- Johnston

Voting against (13):
- Weicker (by proxy)
- Andrews
- Specter
- Proxmire
- Inouye
- Burdick
- Leahy
- Sasser (by proxy)
- DeConcini
- Bumpers
- Lautenberg
- Harkin (by proxy)
- Hatfield

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